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7590 General Motors Corporation Legal Staff, Mail Code 482-C23-B21 300 Renaissance Center P.O. Box 300 Detroit, MI 48265-3000			EXAMINER CAI, WAYNE HUU	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/676,211
Filing Date: October 01, 2003
Appellant(s): DILLON, CHESLEY P.

Phillip M. Pippenger
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 16, 2007 appealing from the Office action mailed August 24, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2002/0143664	WEBB	10-2002
2002/0029386	ROBBINS	03-2002
2003/0005466	LIAO	01-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webb (US 2002/0143664 A1).

Regarding claims 1, 8, 14, Webb discloses a method, a computer usable medium, and a system for notifying a subscriber of events, comprising:

- receiving an subscriber event request at a call center (i.e., gift reminder service provider) (paragraphs 0027), wherein the call center is a telematics call center facilitating communications to and from a mobile vehicle

The Examiner notes that Webb discloses a gift service provider in which it does the same functions as the call center (i.e., receiving an subscriber event request at the gift reminder service provider from a mobile device). Although, Webb does not specifically disclose a mobile vehicle. However, Webb discloses a mobile device (i.e., a handheld and/or wireless mobile computing device such as a personal digital assistant or smart mobile phone. See paragraph 0025), in which it would be obvious to one skilled in the art to use the mobile device as in the mobile vehicle or embedded in vehicle.

- creating an event activation table based on the received subscriber event request (paragraphs 0028);
- sending the event activation table to an event table storage system (paragraph 0029, fig. 1, elements 42 & 44);
- sending a subscriber notification including an indicator of an action associated with the event from the event table storage system in accordance with the event activation table using a wireless network to cause a notification to be conveyed to the user and to additionally cause the action to be automatically executed (paragraphs 0030-0032).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Webb's method of reminding and purchasing gift and arrive at the present invention with a notification an event method because it solely relies on the design choices to make a more general notification system instead of a more specific system as disclosed by Webb.

Regarding claims 2, 9, 15, Webb discloses the method, computer usable medium, and the systems of claims 1, 8, and 14 as described above. Webb further discloses determining a current notification system activity (paragraphs 0029-0030), but except for disclosing suspending the current notification system activity for the duration of the subscriber notification, and resuming the current notification system activity upon termination of the subscriber notification. It is however obvious to one skilled in the art to include these features because during the process of notifying the current activity to user, the system should suspend and notify the particular activity; it then resumes the notification activity afterward for any other activity as needed.

Regarding claims 3, 10, and 16, Webb discloses the method, computer usable medium, and system of claims 1, 8, and 14 as described above. Webb further discloses wherein receiving the subscriber event request comprises: receiving at least one event with an associated notification date and time (paragraph 0032).

Regarding claims 4, 11, and 17, Webb also discloses the method, computer usable medium, and system of claims 3, 10, 16 as described above. Webb also discloses wherein creating the event activation table comprises: linking the received event and the associated notification date and time with an access identifier (i.e., login/password) (paragraph 0028).

Regarding claims 5, 12, Webb discloses the method, and computer usable medium of claims 1, and 8 as described above. Webb also discloses wherein sending the event activation table to the event table storage system comprises: establishing a data connection between the call center (fig. 1, elements 30, 42, and 46) and the event

table storage system (element 76) and transmitting the event activation table from the call center to the event table storage system using the data connection (paragraph 0030; fig. 1 and its descriptions).

Regarding claims 6, 13, and 18, Webb discloses the method, computer usable medium, and system of claims 4, 11, and 17 as described above. Webb also discloses wherein sending the subscriber notification comprises:

- reading a time signal of a real time clock (paragraph 0032);
- determining when the time signal corresponds with at least one date and time from the event activation table (paragraph 0032);
- activating an event notification system based on the determination (paragraph 0032);
- providing the event in accordance with the linked access identifier (paragraphs 0033-0034).

Regarding claims 7, and 19, Webb discloses the method, and system of claims 1, and 14 as described above, except for disclosing wherein the event table storage system is a telematic unit (fig. 1, element 70, and its descriptions).

Regarding claim 20, Webb discloses the system of claim 14 as described above. Webb also discloses wherein the event notification system is a multimedia system (figs. 5 & 6).

Regarding claim 22, Webb discloses a method of notifying a subscriber of events, the method comprising:

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- receiving, from a subscriber at a call center facilitating communications to and from a mobile device, at least one event and at least one action associated with the event (paragraph 0027);
- determining the event (paragraph 0029);
- transmitting a notification to the subscriber using a wireless network, the notification including instructions to automatically perform action (paragraphs 0029-0032).

The Examiner further notes that gift reminder service provider as described in paragraphs 0027 is interpreted as wherein the call center is a telematics call center facilitating communications to and from a mobile vehicle. Webb discloses a gift service provider in which it does the same functions as the call center. Even though Webb does not specifically disclose a mobile vehicle. However, Webb teaches a mobile device in which it would be obvious to one skilled in the art to use the mobile device "inside" the mobile vehicle or embedded in the mobile vehicle.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Webb's method of reminding and purchasing gift and arrive at the present invention with a notification an event method because it solely relies on the design choices to make a more general notification system instead of a more specific system as disclosed by Webb.

3. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Webb in view of Robbins (US 2002/0029386 A1).

Regarding claim 23, Webb discloses the method of claim 22 as described above, except wherein the even is a traffic update at a predetermined time and the action includes tuning a radio receiver to a predetermined station.

In a similar endeavor, Robbins discloses a method of broadcasting data for programming a receiver. Robbins also discloses wherein the even is a traffic update at a predetermined time and the action includes tuning a radio receiver to a predetermined station (abstract, and paragraph 0204).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a traffic update only at a predetermined time so that user does not have to tune to a traffic channel at a certain time while driving.

4. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Webb in view of Robbins, and further in view of Liao (US 2003/0005466 A1).

Regarding claim 24, Webb, and Robbins disclose the method of claim 22 as described above, except wherein the even is a stock quote for a predetermined stock at a predetermined time, and wherein the action include retrieving a stock quote for the predetermined stock at the predetermined time and providing the stock quote to the subscriber within a mobile vehicle using a text to speech synthesizer.

However, Robbins discloses wherein providing weather report, news report, traffic report, etc. at a predetermined time. It is, therefore, obvious to one skilled in the art to modify Robbins' automatically provide predetermined stock quotes at the predetermined time.

In a similar endeavor, Liao discloses a content personalization system for mobile users. Liao also discloses wherein the event is a stock quote for a predetermined stock at a predetermined time, and wherein the action include retrieving a stock quote for the predetermined stock at the predetermined time (paragraph 0006) and providing the stock quote to the subscriber within a mobile device using a text to speech synthesizer (paragraphs 0053 & 0062; fig. 1, element 48). The Examiner also notes that even though neither Webb nor Liao discloses a mobile vehicle. It is however obvious to one skilled in the art to implement or embed a mobile device into a vehicle.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a stock quote at a predetermined time and use a text to speech conversion because it is more convenient for use to listen to the desired content while driving rather than stare at the display.

(10) Response to Argument

The Appellant argues at the first full paragraph that the “notification” of the pending independent claims performs two functions, one of which is to notify the user of the event, the other of which is to automatically execute an action (e.g., changing the radio station, etc.). Specifically the notification of Webb does not cause an action to be automatically executed; it just notifies.

The Examiner respectfully notes that the Appellant does not specifically recite or define in claims that the action is changing the radio station; thus, it is the Examiner's position to give the broadest interpretation of the term “action”.

The Examiner also respectfully invites the Appellant to refer to paragraph 0033 of Webb, where the passage teaches or suggests that the subscriber/user is able to register the gift reminder data into database so that at a later time the subscriber/user will receive a timely gift reminder notification from gift reminder service provider. At a point in time before the event date, gift reminder service provider uses auto gift search function to perform an Internet search or query for gift merchant websites that sell gift items related to the gift idea. **More importantly, the subscriber/user then receives a reminder notification of the gift idea and event date from gift reminder comprises, an electronic mail message and pop-up window that appears at subscriber/user interface. This notification directly includes links to gift merchant websites that sell gifts related to the gift idea.**

The Examiner has to agree with the Appellant's assertion at the second paragraph that Webb's notification includes the results of the queries – it does not cause the queries, and the queries take place before the notification is even sent. However, Webb teaches or suggests the subscriber/user receives the notification in form of the electronic mail message and the pop-up window. That is, the subscriber/user receives the notification (electronic mail message), this electronic mail message also includes an indicator of an action (i.e., the pop-up window). Therefore, even though the query actions could not have been caused by the notification; the electronic mail message on the other hand is sent to notify the subscriber/user of the event, and this electronic mail message notification causes the pop-up window to pop-up, which in turn reads on the claimed invention because the notification of Webb does

cause the pop-up window to be automatically executed. And, it is important to note that the Examiner considers the pop-up window as the action in the claim language rather than the query actions themselves.

It is logical to consider the pop-up window as the action because the electronic mail message is the notification, and this electronic mail message also includes an indicator. The indicator in this case is the pop-up window action associated with the electronic mail message and the pop-up window does not require any user's interaction in order to execute. Thus, when the electronic mail message is sent as the notification, this notification also causes the pop-up window to be popped-up, which is considered as automatically executed.

Based on the explanation above, it is clear to one skilled in the art that Webb teaches or suggests both notification, and this notification causes the action because the electronic mail message (i.e., notification) is sent including the pop-up window (i.e., an indicator of an action) associated with the gift idea (i.e., the event) to cause the electronic mail message to be conveyed to the user via the user interface and to cause the pop-up window to be executed automatically. It is also clear to one skilled in the art that the letter (electronic mail message of Webb) causes the action (the pop-up window of Webb), which read on the claimed invention.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


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